

ARTICLE VII COMMERCIAL DISTRICT

Section 701 General Provisions

The uses permitted in all commercial districts are as follows:

1. Commercial, as hereinafter regulated;
2. Public parks, open spaces, and recreational areas including playgrounds;
3. Libraries;
4. Schools, including public, private, and parochial, all on sites of not less than ten thousand (10,000) square feet;
5. Churches; provided all requirements contained herein for off-street parking are complied with;
6. Public utility facilities and structures required to provide essential public services. (See Section 1203-A)
7. Public facilities and uses necessary for conducting the business of operating the City, County, State, and/or Federal Government.
8. Off street surface parking.
9. Residential uses in non-residential structures which meet the requirements of and qualify for the municipal ad valorem tax exemption of the City of Jackson, enacted on January 22, 2002, and recorded in Minute Book A5-F at Page 462.

Section 702 Commercial District Subdivision

The "C" Commercial District is hereby further subdivided into five (5) subordinate districts which are known as:

1. C-1 Restricted Commercial District
2. C-1A Restricted Commercial District
3. C-2 Limited Commercial District
4. C-3 General Commercial District

702.01 Continuance: *In Commercial Districts minimum lot area and lot width measurements set forth by this Ordinance shall not be applicable upon existing and developed commercial lots at the date of adoption of this Ordinance which do not meet such regulations as set forth herein. However, all other commercial properties shall comply with provisions of this Ordinance.*

702.02 C-1 Restricted Commercial District: The purpose of this district is to provide relatively quiet, attractive and spacious areas for the development of office and limited retail uses. This district is intended to encourage high quality attractive office park development in protected environments.

702.02.1 Uses Permitted:

1. Any type of professional occupation as defined in this Ordinance and any other office type activity in which there is kept no stock in trade or merchandise for sale and which offers only a service to the general public.

2. Hospitals, research institutes, convalescent homes, and assisted living facilities on sites of not less than three (3) acres.
3. Auxiliary and related retail uses located entirely within buildings where the predominant use is office, hospital, research institute and/or convalescent home.
4. Personal care facilities and group homes for the handicapped which exceed thirteen (13) residents on sites of not less than three (3) acres.

702.02.2 Regulations:

1. Minimum lot area - 5,000 square feet.
2. Minimum lot width - fifty (50) feet.
3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
4. Minimum side yard width - five (5) feet, except where it adjoins residentially zoned property, the side yard requirement shall be increased to twenty-five (25) feet. On a corner lot, the minimum side yard depth on the street side shall be twenty-five (25) feet.
5. Minimum rear yard depth - fifteen (15) feet, except where it adjoins residentially zoned property, the rear yard requirement shall be increased to twenty-five (25) feet.
6. Maximum height - thirty-five (35) feet.
7. Maximum lot coverage - fifty percent (50%), including accessory structures.
8. No exterior storage shall be permitted.

702.03 C-1A Restricted Commercial District: The purpose of the C-1A District is to provide for areas where existing residential structures can be used for low-intensity commercial uses, to serve as transitional zones between residential uses and higher intensity commercial uses or arterial streets. These districts are intended to encourage adaptive reuse of existing residential dwellings in order to preserve the original urban form of these areas.

702.03.1 Uses Permitted:

1. Any type of professional occupation as defined in this Ordinance and any other office type activity which offers only a service to the general public.
2. Bed and breakfast inn (Class A).
3. Art gallery, museum, studio, antique, and/or specialty retail shop.
4. All uses permitted in the R-2 Single-Family and Two-Family Residential District.
5. Personal and commercial services
6. Multifamily dwellings of up to eight (8) units

702.03.2 Uses Which May be Permitted as Use Permits: The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Commercial banks, saving institutions, and credit unions.
2. Adult and child care centers/Commercial.
3. Restaurants, Neighborhood

702.03.3 Regulations:

1. Minimum lot size- 6,000 square feet
2. Minimum lot width- fifty (50) feet
3. Minimum front yard depth- The minimum front yard setback shall be equal to the median front setback for all the houses on the same block and the same side of the street.
4. Minimum side yard- five (5) feet.
5. Minimum rear yard- fifteen (15) feet except where it adjoins residentially zoned property, the rear yard requirement shall be increased to twenty-five (25) feet. Parking facilities may be located within the rear yard except for the required landscaping buffer between commercial uses and residential uses.
6. Maximum building height- thirty-five (35) feet
7. Commercial dumpsters are prohibited.
8. No parking is permitted in front of the principal building. For detached single-family residential uses, parking on the side of the principal structure shall be permitted only on a surface typically used for vehicle parking. Parking areas for uses other than detached single-family residential shall comply with the City of Jackson's Landscape Ordinance.
9. Residential structures shall not be demolished or relocated unless they constitute a public nuisance, are a threat to the public health and safety, or have met the following conditions:
 - a. The request for demolition or relocation is accompanied with a development proposal for the same parcel. This request is submitted to the Department of Planning and Development for review;
 - b. The development proposal shall be reviewed by a committee including at least the Zoning Administrator, the Historic Preservation Planner and the District Planner for the area, to ensure that the proposed development is consistent with the existing urban form of the rest of the district in regards to building setbacks, orientation, massing, height, and roof shape and pitch.
 - c. The development proposal shall be reviewed and final approval granted by the Site Plan Review Committee.
 - d. Appeals of decisions of either the Department of Planning and Development or the Site Plan Review Committee shall be heard by the Planning Board.

702.04 C-2 Limited Commercial District: The purpose of this district is to provide attractive areas for the medium density development of office buildings and neighborhood type stores,

services, and commercial centers that address the daily needs of the surrounding residential community.

702.04.1 Uses Permitted:

1. Any and all uses, except residential, permitted in C-1 and C-1A Restricted Commercial Districts.
2. Neighborhood shopping centers, retail convenience stores, and personal services. No single tenant shall occupy more than 40,000 square feet.
3. Restaurants, Neighborhood.
4. Convenience type grocery stores.
5. Coin laundry and dry cleaning establishments.
6. Adult and child care centers.
7. Restaurant, Neighborhood Shopping Center, where part of a neighborhood shopping center.
8. Restaurant, Fast-Food, where part of a neighborhood shopping center.
9. Commercial Banks, Savings Institutions and Credit Unions

702.04.1(a) Uses Which May be Permitted as Use Permits: The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Any and all Use Permits provided in the C-1 and C-1A Restricted Commercial Districts.
2. Restaurant, Fast-Food.
 - A. When the restaurant adjoins residentially zoned property, all exterior lighting shall be directed away from adjacent residential properties;
 - B. The location for the point of taking food orders shall be buffered from and so located so as to minimize the intrusion upon adjacent properties.
3. Veterinarian clinic when no storage pens or runs are located outdoors.
4. Automotive service and repair establishments, but excluding major repair work such as motor overhaul, body and fender repairs, spray painting, tire retreading, or other activities which may generate excessive noise or odors which may be incompatible with the character of the district when:
 - A. Conducted within a completely enclosed building;
 - B. There is no outdoor storage of automobiles, discarded parts, tires or similar materials.
5. Re-cycling collection point when:
 - A. The collection point occupies no more than five hundred (500) square feet;
 - B. Has no processing equipment;
 - C. Recycling containers are made of durable material and are covered and secured from unauthorized entry;

- D. Located two-hundred fifty (250) feet from any residentially zoned property;
- 6. Nightclubs and bars.
- 7. Service stations.
- 8. Car wash.
- 9. Restaurant, General.
- 10. Liquor Stores, where part of a neighborhood shopping center.

702.04.2 Regulations:

- 1. Minimum lot area - not regulated.
- 2. Minimum lot width - not regulated.
- 3. Minimum front yard depth - twenty-five (25) feet from street right-of-way line.
- 4. Minimum side yard width - None, except where it adjoins residentially zoned property; the side yard requirement shall be increased to twenty-five (25) feet, provided further, that the side yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet. On a corner lot, the minimum side yard depth on the street side shall be twenty-five (25) feet.
- 5. Minimum rear yard depth - fifteen (15) feet except where it adjoins residentially zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
- 6. Maximum height - seventy-five (75) feet.
- 7. Maximum lot coverage - not regulated.
- 8. No exterior storage shall be permitted.
- 9. The leading edge of canopies shall be a minimum of five (5) feet from any street right-of-way line.
- 10. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
- 11. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.

702.05 C-3 General Commercial District: The purpose of this district is to provide for the preservation and perpetuation of retail and commercial enterprise, to provide areas for the

development of retail type and personal service type commercial, community, and regional shopping centers of integrated design and high density development of commercial businesses in certain areas adjacent to major transportation arteries or thoroughfares within the City.

702.05.01 Uses Permitted:

1. All uses permitted in the C-2 Limited Commercial District
2. Apartments, when located in renovated, non-residential structures, which exceed 5,000 square feet, in accordance with Section 701 (9.) of the Zoning Ordinance.
3. Automotive service and repair establishments
4. Automotive and Truck Rental Business
5. Auto and truck sales
6. Boarding houses
7. Bowling centers
8. Car Wash
9. Gun Shops
10. Health Club/Fitness Center
11. Hotels and motels
12. Ice and roller skating rinks
13. Mini-warehouses
14. Microbrewery Pubs
15. Nightclubs and Bars
16. Nurseries/Yard and Garden Centers
17. Parking Garages
18. Produce Stand
19. Recycling Collection Point
20. Restaurants, drive-in and fast food
21. Restaurants, General
22. Second Stores
23. Service Stations
24. Transient Vendors, when located completely indoors, as in shopping centers, hotels, or motels. Outdoor display of merchandise is prohibited.
25. Veterinarian Clinics and Kennels
26. Wholesale Outlet Stores

702.05.1(a) Uses Which May be Permitted as Use Permits: The following Use Permits are permitted provided they are established in accordance with the procedures and provisions of this Ordinance:

1. Any and all Use Permits provided in the C-2 (Limited) Commercial District.

2. Apartments (new construction)
3. Amusement Arcades
4. Amusement parks
5. Amusement Rides
6. Automobile and truck wrecker and recovery businesses, when all vehicles are stored in a completely enclosed building.
7. Bail Bonding Business
8. Billboards
9. Bingo Parlors
10. Body Piercing Business
11. Check Cashing Business
12. Commercial Communication Towers
13. Emergency Shelter/Mission
14. Golf Driving Ranges and Pitch-n-putt
15. Liquor Stores
16. Mobile/Manufactured Home Sales
17. Pawn Shops
18. Recycling Center
19. Single-room occupancy hotels (SRO)
20. Tattoo Parlor
21. Title Pledge Office - Any such uses lawfully operating prior to March 11, 1998, shall be treated as non-conforming uses under this Ordinance, and shall be subject to the requirements of Article XIII-A of this Ordinance, entitled "Non-conforming Use of Lands and/or Structures."

702.05.01(b) Existing Uses and Structures: On June 1, 2002, any land or structures being used as apartments within a C-3 District will be a legally conforming use for all purposes of this Ordinance. Further, this provision applies to all plans, construction or designated use any of any building or land which, before June 1, 2002 either (1) the Zoning Administrator has issued a zoning verification letter stating that apartments are permitted use; (2) the Owner or other entity with a legal interest in the property has applied to construct or improve apartments in a C-3 District; or (3) the owner or an entity with a legal interest in the property has lawfully begun construction of apartments.

702.05.02 Regulations:

1. Minimum lot area - none.
2. Minimum lot width - none.
3. Minimum front yard depth - fifteen (15) feet from street right-of-way line.
4. Minimum side yard width - none, except where it adjoins residentially zoned property, the side yard requirement shall be increased to twenty-five (25) feet; and provided further, that the side yard shall be increased by one (1) foot for

each five (5) feet of building height over forty-five (45) feet. On corner lots, the minimum side yard depth on the street side shall be fifteen (15) feet.

5. Minimum rear yard depth - none, except where it adjoins residentially zoned property, the rear yard requirement shall be increased to twenty-five (25) feet; and provided further, that the rear yard shall be increased by one (1) foot for each five (5) feet of building height over forty-five (45) feet.
6. Maximum height - one hundred-fifty (150) feet.
7. Maximum lot coverage - not regulated.
8. Exterior storage - Exterior storage by a retail establishment is permitted only for items which by their nature are typically used outdoors in an unprotected environment. To protect the integrity of adjacent properties, the Zoning Administrator may require that exterior storage areas be completely screened from the street and from adjacent properties by a six (6) foot high wood or masonry fence or by natural plants or trees of equal minimum height so planted as to provide maximum opacity.
9. No bingo parlor, pawnshop, title pledge office, or secondhand store shall be located within two hundred fifty (250) feet of any other such use, or located within five hundred (500) feet of any residentially zoned property, church, school, park, playground or public library.
10. No pawnshop or secondhand store shall be constructed or altered to permit business to be transacted via a drive-through or a walk-up window.
11. The leading edge of canopies shall be a minimum of ten (10) feet from any street right-of-way line.
12. Petroleum dispensing facilities shall be a minimum of twenty (20) feet from any street right-of-way line.
13. Multi-family uses shall be governed by the minimum requirements for the multifamily units as found in R-4 Multifamily Districts as stated in Section 501(9).
14. Use Permits for liquor stores are issued to the owner of the liquor store rather than to the owner of the land; do not run with the land but will allow the store to remain at a specific location until such time as the ownership of the liquor store changes. Subsequent owners of a liquor store at this location must apply for and receive a new Use Permit.